

## REMARKS

By this amendment, Applicants have proposed amending claims 2, 4, 5, and 7-9. Support for the amendments can be found in the specification at, for example, page 6, lines 21-26 . No new matter has been added. Upon entry of this Amendment, claims 2 and 4-9 will be pending in this application.

In the Final Office Action,<sup>1</sup> the Examiner rejected claims 2 and 4-9 under 35 U.S.C. § 101, and rejected claims 2 and 4-9 under 35 U.S.C. § 103(a) as being obvious in view of Satsukawa et al. (U.S. Patent No. 6,379,249) (hereinafter, "Satsukawa") and further in view of Kami et al (US Patent No. 5,853,324) (hereinafter, "Kami").

### **I. Rejection of Claims 2 and 4-9 under 35 U.S.C. § 101:**

Applicants have proposed amending independent claims 7 and 8 to recite, in part, "[a] computer program product, **stored on a computer readable medium**, for causing a computer system to ...," (emphasis added). Therefore Applicants respectfully traverse the Examiner's rejection of claims 2 and 4-9 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. See, Office Action, page 2.

In particularly, the Examiner alleged that "[t]he ability to calculate and execute an action in virtual space fails to exhibit tangibility as the computer program product has no real world tangibility and only exists somewhere within the computer. Therefore the claims as proposed [have] not produced a real world result." See, Id.

Independent claims 7 and 8 recite, in part, "(c) **displaying circumstances** in the virtual space viewed from the virtual viewpoint **on the screen** where the enemy-

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<sup>1</sup> The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicant declines to automatically subscribe to any statements in the Office Action.

character is located based on the changed time scale,” “(e) **displaying an image of the shooting target** being shot **on the screen** when bullets that are virtually fired responding to an input operation of the player collide with the shooting target,” and “(f) **displaying a remaining time** for the computer system to execute the displaying of circumstances **on the screen**.” Therefore, Applicants’ claimed computer program product produces tangible results, e.g., (c) displaying circumstances, (e) displaying an image of the shooting target, and (f) displaying a remaining time. Further, claims 7 and 8 recite “(e) displaying an image of the shooting target being shot at on the screen when bullets that are virtually fired responding to an input operation of **the player** collide with the shooting target.” (Emphasis added). According to the recitations of claim 7 or 8, it is clear that “an image of the shooting target” is displayed on the screen **to the player**. Furthermore, displaying (c) circumstances, (e) an image of the shooting target, and (f) a remaining time to a player on a screen is also consistent with the Examiner’s statement that “a computer program may be deemed tangible if it can produce a real world result (*ie: such as **displaying something to a user on a screen***)” (emphasis added). See, Id. All of these results are “real world” results and are not abstract.

Because independent claims 7 and 8 recite a computer program product, stored on a computer readable medium, that generates tangible results, Applicants request the withdrawal of the section 101 rejection of claims 2 and 4-9.

## **II. Claim Rejections Under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 2 and 4-9 under 35 U.S.C. § 103(a) over Satsukawa and Kami because the Examiner has not established a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a).

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, “in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.” USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

### **Claim 7<sup>2</sup>**

Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants' claim 7. For example, Satsukawa and Kami do not teach or suggest, at least, Applicants' claimed “(b) **changing a time scale** such that a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request is input,” “(g) **decreasing** the remaining time in proportion to an elapsed time in which the computer system executes the displaying of circumstances,” “(j) **restoring the time scale** to a normal value when the displaying of circumstances is over,” and “(l) **increasing** the remaining time in proportion to the elapsed time in which the computer system does not execute the displaying of circumstances,” as required by claim 7 (emphasis added).

Satsukawa appears to disclose a game for first and second players. Satsukawa states that, “[f]irst and second viewpoints for the 1P and 2P players are controlled and images as seen from those first and second viewpoints are output to first and second

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<sup>2</sup> The Examiner stated “[r]egarding claims 1 and 8” in the Office Action at page 3. Since claim 1 has been canceled, Applicants assume the Examiner intended to discuss claims 7 and 8.

display screens, respectively.” See, Abstract. Satsukawa further discloses “details such as the first and second viewpoints 40-1 and 40-2 are controlled in accordance with a difference in game results (such as points gained, **time taken to clear a level of the game...**) between the 1P and 2P players.” See, col. 9, lines 53-58 (emphasis added).

While Satsukawa discloses “time taken to clear a level of the game,” Satsukawa does not teach or suggest, at least, Applicants’ claimed “(b) **changing** a time scale...,” “(g) **decreasing** the remaining time...,” “(h) **determining** whether or not the remaining time is over,” “(i) **terminating** the displaying of circumstances ...,” “(j) **restoring** the time scale ...,” “(k) **measuring** an elapsed time...,” and “(l) **increasing** the remaining time...,” as recited in claim 7 (emphasis added).

The Examiner alleged that Satsukawa teaches “(g) decreasing the remaining time in proportion to an elapsed time in which the computer system executes the displaying of circumstances (see col. 11: ln 13-col. 12 ; ln 62).” See Office Action, page 4. Applicants respectfully disagree. While the cited portion of Satsukawa appears to disclose, for example, that first and second view points are controlled in accordance with a difference between a game results of first and second players, nowhere in the cited portion of Satsukawa is there any disclosure or suggestion of “(g) decreasing the remaining time in proportion to an elapsed time in which the computer system executes the displaying of circumstances,” as recited in claim 7.

Further, in the Office Action, the Examiner did not refer to or provide any reasoning or citations supporting the obviousness rejection of Applicants’ claim elements “(b) **changing** a time scale...,” “(h) **determining** whether or not the remaining time is over,” “(i) **terminating** the displaying of circumstances ...,” “(j) **restoring** the time

scale ...,” “(k) **measuring** an elapsed time...,” and “(l) **increasing** the remaining time...,” as recited in claim 7 (emphasis added). The Examiner has not demonstrated, and it is not the case, that the references teach or suggest all the claim limitations. (M.P.E.P. § 2142).

Further, the Examiner admitted that “Satsukawa is silent with respect to the specific teaching of a running time limit or remaining time in proportion to the elapsed time to change such things as the display speed of the enemy-character and other attributes of the game.” See Office Action, page 4. In an attempt to remedy this deficiency of Satsukawa, the Examiner applied Kami and alleged that

Kami et al. teaches the implementation of a shooting game where an elapsed time reduces in game play that decreases in proportion to an elapsed time in which the computer system executes the displaying of circumstances. Additionally, the system of Kami teaches the determining of whether or not the remaining is over because the game play is then terminated if the remaining time is over. However, as taught in Kami **the remaining time may be restored** to a normal value when a certain accomplishment or progression through the game has been reached (*see time limit [380] of Fig. 3 and the related description thereof*). (emphasis added) See Office Action, page 4.

Applicants respectfully disagree.

The related portion of Kami’s Fig. 3 discloses that

[t]he remaining time 360 in the game is displayed on the central and upper part of the game scenes. The remaining time 380 **reduces** in real time with progress of the game. As the remaining time 380 reaches zero, the game is terminated. See col. 7, lines 12-15 (emphasis added).

First, while Kami discloses “a remaining time 380”, nowhere in Kami is there any disclosure or suggestion of “(b) **changing a time scale** such that a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character

become slower when the visual effect request is input,” and “(j) **restoring the time scale to a normal value** when the displaying of circumstances is over,” as recited in claim 7 (emphasis added).

Second, while Kami appears to disclose displaying “remaining time 380,” Kami’s “remaining time 380” does not teach the claimed “remaining time,” as recited in claim 7. The claimed “remaining time” is displayed “for the computer system to execute **the displaying of circumstances** (in the virtual space ... where the enemy-character is located **based on the changed time scale**),” as recited in claim 7. However, Kami’s shooting game machine does not change “a time scale” and does not display circumstances “based on the changed time scale.” Thus, Kami’s “remaining time 380” is not displayed for Kami’s shooting game machine “**to execute the displaying of circumstances**,” as required by claim 7.

Third, while Kami appears to disclose **reducing** a remaining time 380 in real time with the progress of a game, Kami does not teach or suggest **increasing** the remaining time 380. Nowhere in Kami is there any disclosure or suggestion of “(l) **increasing the remaining time...**,” as recited in claim 7 (emphasis added).

Finally, while Kami appears to disclose reducing the remaining time 380, Kami fails to teach or suggest “(g) **decreasing** the remaining time in proportion to an elapsed time in which the computer system **executes the displaying of circumstances**,” as recited in claim 7 (emphasis added), because Kami’s shooting game machine does not reduce the remaining time 380 “in proportion to an elapsed time in which” Kami’s shooting game machine “**executes the displaying of circumstances**,” as required by claim 7.

Therefore, Kami does not cure the deficiencies of Satsukawa set forth above, including the failure of Satsukawa to teach or suggest, at least, Applicants' claimed "(b) **changing** a time scale...", "(g) **decreasing** the remaining time...", "(j) **restoring** the time scale ...," and "(l) **increasing** the remaining time..." as recited in claim 7 (emphasis added).

In summary, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants' claim 7. Thus, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 7 over Satsukawa and Kami. Applicants therefore submit that claim 7 is allowable.

### **Claim 8**

Regarding independent claim 8, independent claim 8 recites, in part, "(b) **changing** a time scale...", "(g) **decreasing** the remaining time...", "(j) **restoring** the time scale ...," and "(k) **increasing** the remaining time when bullets that are virtually fired in response to an input operation of the player collide with at least a portion of the enemy-character," (emphasis added). Although of different scope, claim 8 recites elements similar to those recited in claim 7.

As discussed above with respect to claim 7, Kami does not cure the deficiencies of Satsukawa set forth above, including the failure of Satsukawa to teach or suggest, Applicants' claimed "(b) **changing** a time scale...", "(g) **decreasing** the remaining time...", and "(j) **restoring** the time scale ...," as recited in claim 8 (emphasis added).

Further, while Kami discloses reducing a remaining time 380 in real time with progress of a game (col. 7, lines 12-15), Kami fails to disclose or suggest Applicants' claimed "(k) **increasing the remaining time when bullets** that are virtually fired in

response to an input operation of the player **collide with at least a portion of the enemy-character**,” as required by claim 8 (emphasis added).

Thus, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants’ claim 8. Therefore, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 8 over Satsukawa and Kami.

### Claim 9

Claim 9 depends from claim 8, and thus requires each and every element of claim 8. As noted above, neither Satsukawa nor Kami teach or suggest, at least, Applicants’ claimed “(b) **changing** a time scale...,” “(g) **decreasing** the remaining time...,” “(j) **restoring** the time scale ...,” and “(k) **increasing** the remaining time...,” as recited in claim 8 (emphasis added). For at least this reason, Satsukawa and Kami fails to support a *prima facie* case of obviousness of claim 9 that depends from claim 8.

The Examiner appears to cite Kami as a teaching of “determining whether or not a plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide...,” and “increasing the remaining time more when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with the enemy-character or with bullets...,” and states “**see time limit [380] of Fig. 3 and the related description thereof, Fig. 8 (a-c) and the related description thereof.**” See Office Action, pages 4-5 (emphasis added). Applicants respectfully disagree.

The related portion of Kami’s Fig. 8 (a-c) discloses that



FIG. 8A shows the case where a bullet misses the virtual player....At this time, the player will not be damaged by the ricochet.

FIG. 8B shows the case where a bullet grazes the virtual player....Similarly, the player will not be damaged by the grazing bullet at this time.

FIG. 8C shows the case where **a bullet hits the virtual player**. The bullet impacts on the central area of the screen and then is changed into a hit effect 358....Thus, **the player will lose a given time** when the player is damaged. At the same time, one of the "lives" is lost. See col. 10, lines 29-52 (emphasis added).

While Kami appears to disclose showing three scenes in which a bullet shot by an enemy 330 misses, grazes and hits a player, Kami fails to disclose or suggest Applicants' claimed **"determining whether or not a plurality of bullets** that are virtually fired in response to an input operation of the player **consecutively collide** with the enemy-character or with bullets that are virtually fired from the enemy-character," as recited in claim 9. Further, while Kami discloses that the player **loses** a given time when the bullet hits the player, Kami fails to disclose or suggest Applicants' claimed **"increasing the remaining time more when** the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with the enemy-character or with bullets that are virtually fired from the enemy-character **than when** the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with neither the enemy-character nor bullets that are virtually fired from the enemy-character," as recited in claim 9 (emphasis added).

Thus, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants' claim 9. Therefore, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 9 over Satsukawa and Kami.

## Claim 2

Claim 2 depends from claim 7, and thus requires each and every element of claim 7. As noted above, neither Satsukawa nor Kami teach or suggest, at least, Applicants' claimed "(b) **changing** a time scale...", "(g) **decreasing** the remaining time...", "(j) **restoring** the time scale ...," and "(l) **increasing** the remaining time..." as recited in claim 7 (emphasis added). For at least this reason, Satsukawa and Kami fails to support a *prima facie* case of obviousness of claim 2 that depends from claim 7.

The Examiner appears to cite Satsukawa as a teaching of "determining whether or not processing transitions to a bullet fire wait status where a bullet is fired from said enemy-character to a player-character at least within a predetermined time," and "determining whether or not the visual effect request for requesting visual effect processing is input by the player when processing transition to the bullet fire wait status and states," and states "**see Fig. 24 and the related description thereof, col. 12: In 32-67.**" See Office Action, pages 5 (emphasis added). Applicants respectfully disagree.

The cited portion of Satsukawa appears to disclose a case in which a shot from one of 1P and 2P players hits a character object corresponding to the other player, which is illustrated in Figs. 17A and 17B. See col. 12, lines 32-67. However, nowhere in the cited portion of Satsukawa is there any description of Fig. 24 and any disclosure or suggestion of "determining whether or not processing transitions to a bullet fire wait status ...," and "determining whether or not the visual effect request for requesting visual effect processing is input ...," as recited in claim 2. Instead, there is a description about Fig. 24 in col. 16, lines 44-51 of Satsukawa, the portion of Satsukawa at col. 16,

lines 44-51, however, merely discloses an example that a light-emitting device could be provided as a shooting device 300.

Thus, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants' claim 2. Therefore, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 2 over Satsukawa and Kami.

#### Claim 4

Claim 4 depends from claim 2 that depends from claim 7, and thus requires each and every element of claims 2 and 7. As noted above, neither Satsukawa nor Kami teach or suggest, at least, Applicants' claimed "(b) **changing** a time scale...", "(g) **decreasing** the remaining time...", "(j) **restoring** the time scale ...," and "(l) **increasing** the remaining time..." as recited in claim 7 (emphasis added). For at least this reason, Satsukawa and Kami fails to support a *prima facie* case of obviousness of claim 4 that depends from claims 2 and 7.

The Examiner appears to cite Satsukawa as a teaching of "determining whether or not a current mode is a mode where two or more players play", and "updating said remaining time so that an increased amount of said remaining time, when it is determined that the current mode is a mode where two or more players play, becomes different from an increased amount of said remaining time in a mode where one player plays," and states "**see col. 9: In 39 - col. 10: In 30.**" See Office Action, pages 5 (emphasis added). Applicants respectfully disagree.

The cited portion of Satsukawa appears to disclose that 1P and 2P players can cooperate in shooting a target object and "details such as the first and second

viewpoints 40-1 and 40-2 are controlled in accordance with a difference in game results (such as points gained, **time taken to clear a level of the game...**) between the 1P and 2P players.” See, col. 9, lines 53-58 (emphasis added). However, nowhere in the cited portion of Satsukawa is there any disclosure or suggestion of “**updating** said remaining time so that **an increased amount of said remaining time**, when it is determined that the current mode is a mode where two or more players play, **becomes different** from an increased amount of said remaining time in a mode where one player plays,” as recited in claim 4.

Thus, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants’ claim 4. Therefore, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 4 over Satsukawa and Kami.

### Claim 5

Claim 5 depends from claim 7, and thus requires each and every element of claim 7. As noted above, neither Satsukawa nor Kami teach or suggest, at least, Applicants’ claimed “(b) **changing** a time scale...,” “(g) **decreasing** the remaining time...,” “(j) **restoring** the time scale ...,” and “(l) **increasing** the remaining time...,” as recited in claim 7. For at least this reason, Satsukawa and Kami fails to support a *prima facie* case of obviousness of claim 5 that depends from claim 7.

The Examiner appears to cite Satsukawa as a teaching of “determining whether or not the displaying of circumstances is being executed,” and “executing image effect processing for changing a display mode of the enemy-character while the displaying of

circumstances is executed,” and states “**see Fig. 2 and the related description thereof, col. 8: In 23-54.**” See Office Action, pages 6 (emphasis added). Applicants respectfully disagree.

The cited portion of Satsukawa appears to disclose that 1P and 2P players can make corresponding character objects rise or duck down by stepping on pedals 24-1 and 24-2 and that both a 2P character object corresponding to the 2P player and target objects 50-1 and 50-2 are displayed on the first display screen that the 1P player sees. See, col. 8, lines 23-54. However, nowhere in the cited portion of Satsukawa is there any disclosure or suggestion of “determining whether or not the displaying of circumstances is being executed,” and “executing image effect processing for changing a display mode of the enemy-character while the displaying of circumstances is executed,” as recited in claim 5.

Thus, Satsukawa and Kami, taken alone or in combination, do not teach or suggest every feature of Applicants' claim 5. Therefore, the Examiner has not met the burden of establishing a *prima facie* case of obviousness of claim 5 over Satsukawa and Kami.

### Claim 6

Claim 6 depends from claim 7, and thus requires each and every element of claim 7. As noted above, neither Satsukawa nor Kami teach or suggest, at least, Applicants' claimed “(b) **changing** a time scale...,” “(g) **decreasing** the remaining time...,” “(j) **restoring** the time scale ...,” and “(l) **increasing** the remaining time...,” as recited in claim 7 (emphasis added). For at least this reason, Satsukawa and Kami fails to support a *prima facie* case of obviousness of claim 6 that depends from claim 7.

### III. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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